



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,249	02/27/2002	Joseph Giordano	24124.000172	8236

7590 07/06/2005

Thomas J. Scott
Intellectual Property Department
Hunton & Williams
1900 K Street, N.W., Suite 1200
Washington, DC 20006-1109

EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/083,249	Applicant(s) GIORDANO ET AL.	
	Examiner Clement B. Graham	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/24/03, 3/24/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION
Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-49, are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffith U.S Patent 6, 195, 541 in view of Anderson et al (Hereinafter Anderson U.S P.U.B 2001001129).

As per claim 1, Griffith discloses a system for redeeming awards in a merchant loyalty program, comprising:

transmitting a signal to one of a plurality of point-of-sale devices, said signal comprising customer identification data (Note abstract and see column 2 lines 1-48 and column 3-7 lines 1-68).

Griffith fail to explicitly teach transmitting said customer identification data from one of said plurality of point-of-sale devices to a host transaction processing system; and transmitting loyalty award data from said host transaction processing system to said one of said plurality of point-of-sale devices.

However Anderson discloses a participating consumer would redeem the incentive award by presenting the card, now having the award information magnetically encoded thereon, at the merchant's location. For example, an auto dealership might award a free oil and filter change, which the participating consumer would redeem by presenting the card in the dealership's service department, thus also providing the merchant the opportunity of increasing customer traffic to other areas of the business. The merchant would place the card in a magnetic card reader for verification of the award. The magnetic card reader in a preferred embodiment is linked in interactive communication with the server computer for transmitting information related to award redemption and for cancelling the encoded award information on the card thereafter

Art Unit: 3628

transmitting information related to award redemption and for cancellation the encoded award information on the card thereafter. (Note abstract and see column 2 paragraph 0020 and 0021).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Griffith to include transmitting said customer identification data from one of said plurality of point-of-sale devices to a host transaction processing system; and transmitting loyalty award data from said host transaction processing system to said one of said plurality of point-of-sale devices taught by Anderson in order to request awards information pertaining to customers.

As per claim 2, Griffith discloses wherein said customer identification data comprises secondary authorization data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 3, Griffith discloses wherein said secondary authorization data comprises a personal identification number manually entered at said one of a plurality of point-of-sale devices by a customer. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 4, Griffith discloses wherein said secondary authorization data comprises biometric data from a customer corresponding to said customer identification data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 5, Griffith discloses wherein said customer identification data is transmitted by a customer transceiver. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 6, Griffith discloses wherein the step of transmitting said customer identification data further comprises transmitting a merchant identifier. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 7, Griffith discloses wherein said loyalty award data is used as payment for a transaction.

As per claim 8, Griffith discloses wherein said loyalty award data authorizes a user associated with the customer identification data to a discount on a product or service from a merchant. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 9, Griffith discloses wherein said loyalty award data authorizes a user associated with the customer identification data to a free product or service from a merchant. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 10, Griffith discloses wherein said merchant loyalty program comprises more than one merchant. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 11, Griffith discloses a system for processing transactions and merchant award. program data, comprising:
transmitting a signal to one of a plurality of point-of-sale devices, said signal comprising customer identification data;
transmitting an authorization request from said one of a plurality of point-of-sale devices to a host transaction processing system, said signal comprising said customer identification data, a merchant identifier and transaction data;
and determining, from said customer identification data, loyalty award program information that corresponds to said customer identification data, said merchant identifier, or a combination thereof. (Note abstract and see column 2 lines 1-48 and column 3-7 lines 1-68).

Griffith fail to explicitly teach transmitting, from said host transaction processing system to said one of a plurality of point-of-sale devices, said loyalty award program information and a response to said authorization request.

However Anderson discloses a participating consumer would redeem the incentive award by presenting the card, now having the award information magnetically encoded thereon, at the merchant's location. For example, an auto dealership might award a free oil and filter change, which the participating consumer would redeem by presenting the card in the dealership's service department, thus also providing the merchant the opportunity of increasing customer traffic to other areas of the business. The merchant would place the card in a magnetic card reader for verification of the award. The magnetic card reader in a preferred embodiment is linked in interactive communication with the server computer for transmitting information related to award redemption and for cancelling the encoded award information on the card thereafter transmitting information related to award redemption and for cancellation the encoded

award information on the card thereafter. (Note abstract and see column 2 paragraph 0020 and 0021).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Griffith to include transmitting, from said host transaction processing system to said one of a plurality of point-of-sale devices, said loyalty award program information and a response to said authorization request taught by Anderson in order to request awards information pertaining to customers.

As per claim 12, Griffith discloses wherein said customer identification data is transmitted by a customer transceiver. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 13, Griffith discloses wherein said customer identification data comprises secondary authorization data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 14, Griffith discloses wherein said secondary authorization data comprises a personal identification number manually entered at said one of a plurality of point-of-sale devices by a customer. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 15, Griffith discloses wherein said secondary authorization data comprises biometric data from a customer corresponding to said customer identification data.

As per claim 16, Griffith discloses wherein said loyalty award data is used as payment for a transaction that corresponds to said transaction data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 17, Griffith discloses wherein said loyalty award data authorizes a user associated with the customer identification data to a discount on a product or service from a merchant. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 18, Griffith discloses wherein said product or service corresponds to said transaction data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 19, Griffith discloses wherein said loyalty award data authorizes a user associated with the customer identification data to a free product or service from a merchant. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 20, Griffith discloses wherein said product or service corresponds to, said transaction data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 21, Griffith discloses a system for enrolling users in a transaction processing program, comprising: transmitting transmitter identification data from a customer transponder to a point-of-sale device;
transmitting payment information to said point-of-sale device;
associating said transmitter identification data with said payment information; transmitting said associated transmitter identification data and said payment information to a host transaction processing system; and
storing said associated transmitter identification data and said payment information in said host transaction processing system. (Note abstract and see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 22, Griffith discloses wherein said payment information corresponds to a credit card, debit card, or bank account, or a combination thereof. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 23, Griffith discloses further comprising transmitting additional customer information to said host transaction processing system, associating said additional customer information with 5 said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 24, Griffith discloses a system for enrolling users in a transaction processing program, comprising: transmitting transmitter identification data from a customer transponder to one of a plurality of point-of-sale devices;
transmitting payment information to said one of a plurality of point-of-sale devices;
transmitting said transmitter identification data and said payment information to a host transaction processing system. (see column 2 lines 1-48 and column 3-7 lines 1-68).
assigning a unique customer identifier that corresponds to said transmitter identification data, associating said unique customer identifier, said transmitter identification data and said payment information, and storing said associated unique customer identifier,

transmitter identification data and payment information in said host transaction processing system. (Note abstract and see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 25, Griffith discloses wherein said payment information corresponds to a credit card, debit card, or bank account, or a combination thereof. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 26, Griffith discloses further comprising transmitting additional customer information to said host transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 27, Griffith discloses a computer readable medium containing instructions for redeeming awards in a merchant loyalty program said instructions comprising computer implemented steps for:
receiving a signal at one of a plurality of point of sale devices said signal comprising customer identification data. (Note abstract and see column 2 lines 1-48 and column 3-7 lines 1-68).

Griffith fail to explicitly teach transmitting said customer identification data from one of said plurality of point of sale devices to a host transaction processing system and transmitting loyalty award data from said host transaction processing system to said one of said plurality of point-of-sale devices.

However Anderson discloses a participating consumer would redeem the incentive award by presenting the card, now having the award information magnetically encoded thereon, at the merchant's location. For example, an auto dealership might award a free oil and filter change, which the participating consumer would redeem by presenting the card in the dealership's service department, thus also providing the merchant the opportunity of increasing customer traffic to other areas of the business. The merchant would place the card in a magnetic card reader for verification of the award. The magnetic card reader in a preferred embodiment is linked in interactive communication with the server computer for transmitting information related to award redemption and for cancelling the encoded award information on the card thereafter

Art Unit: 3628

transmitting information related to award redemption and for cancellation the encoded award information on the card thereafter. (Note abstract and see column 2 paragraph 0020 and 0021).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Griffith to include transmitting said customer identification data from one of said plurality of point of sale devices to a host transaction processing system and transmitting loyalty award data from said host transaction processing system to said one of said plurality of point-of-sale devices. taught by Anderson in order to request awards information pertaining to customers.

As per claim 28, Griffith discloses wherein said customer identification data comprises Secondary authorization data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 29, Griffith discloses wherein said secondary authorization data comprises a personal identification number manually entered at said one of a plurality of point-of-sale devices by a customer. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 30, Griffith discloses wherein said secondary authorization data comprises biometric data from a customer corresponding to said customer identification data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 31, Griffith discloses wherein said customer identification data is transmitted by a customer transceiver. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 32, Griffith discloses wherein the step of transmitting said customer identification data further comprises transmitting a merchant identifier. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 33, Griffith discloses wherein said loyalty award data is used as payment for a transaction. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 34, Griffith discloses wherein said loyalty award data authorizes a user associated with the customer identification data to a discount on a product or service from a merchant. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 35, Griffith discloses wherein said loyalty award data authorizes a user associated with the customer identification data to a free product or service from a merchant. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 36, Griffith discloses wherein said merchant loyalty program comprises more than one merchant. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 37, Griffith discloses a computer-readable medium containing instructions for processing transactions and merchant award program data, said instructions comprising computer-implemented steps for:
receiving a signal at one of a plurality of point-of-sale devices, said signal comprising customer identification data. (see column 2 lines 1-48 and column 3-7 lines 1-68).
transmitting an authorization request from said one of a plurality of point-of-sale devices to a host transaction processing system, said signal comprising said customer identification data, a merchant identifier and transaction data, determining from said customer identification data. (Note abstract and see column 2 lines 1-48 and column 3-7 lines 1-68).
Griffith fail to explicitly teach loyalty award program information that corresponds to said customer identification data, said merchant identifier, or a combination thereof; and
transmitting, from said host transaction processing system to said one of a plurality of point-of-sale devices, said loyalty award program information and a response to said authorization request.

However Anderson discloses a participating consumer would redeem the incentive award by presenting the card, now having the award information magnetically encoded thereon, at the merchant's location. For example, an auto dealership might award a free oil and filter change, which the participating consumer would redeem by presenting the card in the dealership's service department, thus also providing the merchant the opportunity of increasing customer traffic to other areas of the business. The merchant would place the card in a magnetic card reader for verification of the award. The magnetic card reader in a preferred embodiment is linked in interactive communication with the server computer for transmitting information related to award redemption and for cancelling the encoded award information on the card thereafter transmitting information related to award redemption and for cancellation the encoded

award information on the card thereafter. (Note abstract and see column 2 paragraph 0020 and 0021).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Griffith to include loyalty award program information that corresponds to said customer identification data, said merchant identifier, or a combination thereof; and transmitting, from said host transaction processing system to said one of a plurality of point-of-sale devices, said loyalty award program information and a response to said authorization request taught by Anderson in order to request awards information pertaining to customers.

As per claim 38, Griffith discloses wherein said customer identification data is transmitted by a customer transceiver. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 39, Griffith discloses wherein said customer identification data comprises secondary authorization data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 40, Griffith discloses wherein said secondary authorization data comprises a personal identification number manually entered at said one of a plurality of point-of-sale devices by a customer. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 41, Griffith discloses wherein said secondary authorization data comprises biometric data from a customer corresponding to said customer identification data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 42, Griffith discloses wherein said loyalty award data is used as payment for a transaction that corresponds to said transaction data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 43, Griffith discloses wherein said loyalty award data authorizes a user associated with the customer identification data to a discount on a product or service from a merchant. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 44, Griffith discloses wherein said product or service corresponds to said transaction data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 45, Griffith discloses wherein said loyalty award data authorizes a user associated with the customer identification data to a free product or service from a merchant. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 46, Griffith discloses wherein said product or service corresponds to said transaction data. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 47, Griffith discloses a computer-readable medium containing instructions for enrolling users in a transaction processing program, said instructions comprising computer-implemented steps for:
receiving transmitter identification data from a customer transponder at one of a plurality of point-of-sale devices. (see column 2 lines 1-48 and column 3-7 lines 1-68).
transmitting payment information to said one of a plurality of point-of-sale devices;
associating said transmitter identification data with said payment information; transmitting said associated transmitter identification data and said payment information to a host transaction processing system(see column 2 lines 1-48 and column 3-7 lines 1-68).
and storing said associated transmitter identification data and said payment information in said host transaction processing system. (Note abstract and see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 48, Griffith discloses wherein said payment information corresponds to a credit card, debit card, or bank account, or a combination thereof. (see column 2 lines 1-48 and column 3-7 lines 1-68).

As per claim 49, Griffith discloses further comprising transmitting additional customer information to said host transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information. (see column 2 lines 1-48 and column 3-7 lines 1-68).

Conclusion

3 The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Art Unit: 3628

Berent (US 5,774,873 Patent) teaches electronic online motor vehicle auction and information system.

.Shintani (US Patent 5,668,591) teaches information terminal apparatus that is remotely programmed by radio waves and that displays input keys of program functions on a display.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

June 16, 2005


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3628